

Article - State Government

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§20–1009.

(a) If, after reviewing all of the evidence, the administrative law judge finds that the respondent has engaged in a discriminatory act, the administrative law judge shall:

(1) issue a decision and order stating the judge's findings of fact and conclusions of law; and

(2) issue and cause to be served on the respondent an order requiring the respondent to:

(i) cease and desist from engaging in the discriminatory acts; and

(ii) take affirmative action to effectuate the purposes of the applicable subtitle of this title.

(b) (1) If the respondent is found to have engaged in or to be engaging in an unlawful employment practice charged in the complaint, the remedy may include:

(i) enjoining the respondent from engaging in the discriminatory act;

(ii) ordering appropriate affirmative relief, including the reinstatement or hiring of employees, with or without back pay;

(iii) awarding compensatory damages; or

(iv) ordering any other equitable relief that the administrative law judge considers appropriate.

(2) Compensatory damages awarded under this subsection are in addition to:

(i) back pay or interest on back pay that the complainant may recover under any other provision of law; and

(ii) any other equitable relief that a complainant may recover under any other provision of law.

(3) The sum of the amount of compensatory damages awarded to each complainant under this subsection for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, or nonpecuniary losses, may not exceed:

(i) \$50,000, if the respondent employs not fewer than 15 and not more than 100 employees in each of 20 or more calendar weeks in the current or preceding calendar year;

(ii) \$100,000, if the respondent employs not fewer than 101 and not more than 200 employees in each of 20 or more calendar weeks in the current or preceding calendar year;

(iii) \$200,000, if the respondent employs not fewer than 201 and not more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year; and

(iv) \$300,000, if the respondent employs not fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year.

(4) If back pay is awarded under paragraph (1) of this subsection, the award shall be reduced by any interim earnings or amounts earnable with reasonable diligence by the person discriminated against.

(5) In addition to any other relief authorized by this subsection, a complainant may recover back pay for up to 2 years preceding the filing of the complaint, where the unlawful employment practice that has occurred during the complaint filing period is similar or related to an unlawful employment practice with regard to discrimination in compensation that occurred outside the time for filing a complaint.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if the respondent is found to have engaged in or to be engaging in a discriminatory act other than an unlawful employment practice, in addition to an award of civil penalties as provided in § 20–1016 of this subtitle, nonmonetary relief may be granted to the complainant.

(ii) An order may not be issued that substantially affects the cost, level, or type of any transportation services.

(2) (i) In cases involving transportation services that are supported fully or partially with funds from the Maryland Department of

Transportation, an order may not be issued that would require costs, level, or type of transportation services different from or exceeding those required to meet U.S. Department of Transportation regulations adopted under 29 U.S.C. § 794.

(ii) An order issued in violation of subparagraph (i) of this paragraph is not enforceable under § 20–1011 of this subtitle.

(d) If, after reviewing all of the evidence, the administrative law judge finds that the respondent has not engaged in an alleged discriminatory act, the administrative law judge shall:

- (1) state findings of fact and conclusions of law; and
- (2) issue an order dismissing the complaint.

(e) Unless a timely appeal is filed with the Commission in accordance with the Commission's regulations, a decision and order issued by the administrative law judge under this section shall become the final order of the Commission.

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